IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 197 of 2006 (S/B)

Sunil Kumar S/o Sri R.C. Saxena,
At present posted as Executive Engineer,
Construction Division, Uttaranchal Pey Jal Nigam,
Dehradun. …… Petitioner

Versus

1. Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Dehradun.
   Through its Chairman.
2. Managing Director,
   Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Dehradun.
3. Secretary,
   Uttaranchal Pey Jal,
   State of Uttaranchal, Dehradun.
4. Shekhar Chandra Jain,
   Presently working as S.E. Construction Division,
   Uttaranchal Pey Jal Nigam, Almora.
5. Rajendra Nath Verma,
   Presently working as S.E. Construction Division,
   Uttaranchal Pey Jal Nigam, Dehradun.
6. Mohammad Hassan,
   presently working as S.E. Construction Division,
   Uttaranchal New Tehri.
7. Vijay Kumar Mittal,
   Presently working as S.E. Construction Division,
   Uttaranchal Pey Jal Nigam, Nainital.
8. Dev Nath Gupta,
   Presently working as S.E. Construction Division,
   Uttaranchal Pey Jal Nigam,
   Pithoragarh. ……. Respondents

Mr. N.K. Papnoi, Advocate on behalf of Mr. M.C. Pant, Advocate for the petitioner.
Mr. D.S. Patni, Advocate for respondents Nos. 1 & 2.
Mr. Nanak Chand Gupta, Standing Counsel for respondent No. 3.
Mr. R.P. Nautiyal, Advocate for respondents Nos. 4 & 8.
Mr. A.K. Joshi, Advocate for respondents Nos. 5 & 7.
None for respondent No. 6.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. N.K. Papnoi, Advocate on behalf of Mr. M.C. Pant, Advocate for the petitioner.

Mr. D.S. Patni, Advocate for respondents Nos. 1 & 2.

Mr. Nanak Chand Gupta, Standing Counsel for respondent No. 3.

Mr. R.P. Nautiyal, Advocate for respondents No. 4 & 8.

Mr. A.K. Joshi, Advocate for respondents Nos. 5 & 7.

None for respondent No. 6.

2. They are heard on CLMA No. 14690 of 2006, whereby respondents Nos. 1 & 2 have raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a petition before the Public Services Tribunal for the reliefs sought in the writ petition.

3. On due consideration of the submissions of the learned counsel for the parties and in view of the Division Bench decision in the case of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439,** we are of the opinion that the present writ petition is not maintainable, as the petitioner has an alternative efficacious remedy of filing a petition before the Public Services Tribunal.

4. In this view of the matter, CLMA No. 14690 of 2006 is allowed and the writ petition is dismissed as not maintainable.

5. Consequently, CLMA No. 7939 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) 07.12.2006

(Rajeev Gupta, C.J.) 07.12.2006

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